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SECDEF FOR OSD/ISP
JOINT STAFF FOR DD PMA-A FOR WTC
COMMERCE FOR BIS (GOLDMAN)
NSC FOR LEDDY
WINPAC FOR WALTER

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TAGS: [PARM](#) [PREL](#) [CWC](#)

SUBJECT: CHEMICAL WEAPONS CONVENTION (CWC): WRAP UP FOR THE
TWO WEEKS ENDING NOVEMBER 2, 2007

This is CWC-87-07.

INDUSTRY CLUSTER) LATE DECLARATIONS

¶1. (U) During the October 19 consultation (at which Iran was noticeably absent), significant progress was made on a draft decision. As a result, the facilitator (Larry Denyer, Del) prepared a new draft to reflect the general consensus achieved during this most meeting. Based on subsequent consultations with the TS, the facilitator, rather than holding another consultation during which Iran would just destroy the recently reached consensus, met with a member of the staff of EC Vice-Chair for the Industry Cluster (Amb. Dani, Algeria) to explain the current situation. The Algerian rep expressed the willingness of his ambassador to intervene with Iran if need be but suggested that, as a first step, someone other the facilitator could show the Iranian delegation a copy of the consensus text to see how they reacted. If a meeting of the Executive Council is called during the CSP, the Vice Chair should ask that this draft decision be added to the agenda. If Iran has concerns, they have the option of asking that the decision be deferred to a later EC, a result not significantly different than if they caused trouble during a new consultation.

UNIVERSALITY

¶2. (U) On October 26 and 29, Said Moussi (Algeria) chaired consultations to work through draft decision text on Universality. These meetings were followed by an informal gathering of interested parties on October 31 to break through the growing deadlock on a number of points. The November 1 consultations saw a new approach adopted by a number of delegations, including Iran. Noticeable progress was made in agreeing on most operative paragraphs of the text; however, the preambular language still will need work, which could prolong negotiations on a final text.

ARTICLE VII

¶3. (U) On October 30 and November 1, Kimmo Laukkanen (Finland) chaired consultations to draft decision text for the upcoming CSP on Article VII. Rather than continue with protracted arguments about preambular language, the decision was made to focus on the operative paragraphs about the specific recommendations (from the EC), after which appropriate preambular language would be finalized. Albeit a good plan, there are still significant differences between delegations about what should be done. Iran has still not agreed to the general assumption that a decision is needed and has made it clear that they prefer report language only that would roll-over the existing action plan.

¶4. (U) Of particular note and concern, during the October 30 consultation, Cuba made a general comment about their national commitment to continuing this process and then proceeded to read a prepared statement on behalf of the NAM and China. (Del has forwarded a copy of the statement to ISN.) This statement opposed the idea of &redress8 (see OP 2), encouraged sticking closely to the action plan and C-10/DEC.16, and called for no distinction between States Parties (SPs) regarding assistance. Iran and India associated themselves with the NAM statement. Other delegations (e.g., Mexico) expressed similar concerns (and provided constructive text suggestions) but were careful not to align themselves with the NAM statement.

¶5. (U) Several WEOG delegations, along with Russia, called for a decision that was no weaker than previous decisions. Russia was particularly insistent that they would not support any language that implied that the Article VII situation had improved significantly and as such warranted any lesser

effort or focus. This group also promoted the role of the EC (and its Chair) in overseeing this effort alongside the DG, but not the DG alone. Korea pointed to individual national plans and called for SPs to set specific, realistic goals.

¶6. (U) India and Iran also discussed the relative priority of the CWC in some SPs, given their large list of priorities (e.g., poverty, health challenges, domestic volatility, etc.), while pointing out the differences in legislative processes and how focusing on draft legislation was inappropriate. Del rep pointed to the prominent place draft legislation has in TS reporting (based on EC requests) and that this data is what we have to indicate progress and propose next steps. Iran continued to insist that the budget parameters be referenced in the text on assistance, obviously laying the groundwork for decimating future budgets for Article VII assistance (especially if a decision is not reached) in deference to their priorities (e.g., Article XI).

Iran and India also questioned TS reporting methods (particularly that maintained on the external server) and whether they are necessary, a clear link to Iran's proposal in Universality consultations for the TS to maintain a progress report on Universality implementation.

¶7. (U) Prior to the November 1 consultations, the facilitator distributed his new draft to some WEOG dels for consideration and discussion. Del rep expressed concern to the facilitator about circulating his text too soon, a view shared by the UK; however, the facilitator made it clear that his intention was to distribute the text to all delegations before the start of the CSP.

¶8. (U) The November 1 consultations focused on what the facilitator saw as the two most contentious operative paragraphs: 2 and 6. With Iran absent from the beginning of the meeting, Mexico was the only delegation to object to OP2 in its original form. Most other delegations were amenable to it while having reservations on having a deadline. Many also questioned what would need to be done by the deadline (i.e., simply reporting back to the TS or actually doing something more substantive).

¶9. (U) As promised by the facilitator, his clean text was

circulated on November 2; it noticeably did not take on board any of the concerns or suggested changes noted by Del rep.

ARTICLE X

¶10. (U) On November 1, French delegate requested a Quad working level meeting to discuss the Iranian effort to seek a CSP decision on a &victims, assistance network8. The facilitator for Article X, Jitka Brodska (Czech Republic) had previously discussed the issue with Quad reps separately and informed them the TS had confirmed that no new CSP agenda items could be added at this time. According to the TS, the only option for the Iranians would be to bring up the issue during Any Other Business, despite the fact that substantive issues are not normally brought up at that time. The facilitator suggested that if any States Parties felt strongly enough, an objection could be raised during the adoption of the agenda (on the basis that it would be inappropriate to leave a substantive issue to Any Other Business). All Quad reps agreed that if such an objection were to be raised, it would be better not to come from any WEOG members. All four agreed that the proposed Iranian language was vague and that the proper place for discussion of any such proposal was in the ongoing Article X consultations.

¶11. (U) Del rep spoke with facilitator Brodska following Brodska,s discussion with the Russian Federation on this issue. Brodska expressed resignation that we would indeed be forced to discuss the Iranian proposal during the CSP under Any Other Business.

ARTICLE XI

¶12. (U) On October 30 and November 2, Li Hong (China) chaired consultations to draft decision text for the upcoming CSP on Article XI. The October 30 meeting was replete with high drama and posturing, but some progress was made during the November 2 meeting.

¶13. (U) In the October 30 consultation, the discussion began with the most controversial paragraph, OP 4, which refers to an action plan, roadmap, etc. For the second time that day, Cuba made a general comment about how we should not fear the term &action plan8 and then proceeded to read a prepared statement on behalf of the NAM and China. This statement made vague reference to specific elements the NAM has discussed (based on C-10/DEC.14) and that this approach should be the same as was done for Article VII and universality. This time, China, Iran, and Algeria associated themselves with the NAM statement, while India was noticeably absent. Several WEOG delegations insisted that they cannot support an empty box labeled &action plan8, while the NAM-leaning delegations wondered what everyone was so afraid of. Cuba asked, at one point, how delegations would react if a delegation were to put some specific elements on the table, to which several delegations said they would be positively inclined.

¶14. (U) A return to earlier operative paragraphs became more strident, as many delegations (led by Canada and Germany) pointed out the inappropriate and unbalanced approach of referring to only specific elements from previous decisions (see OP 1 language on the exchange of chemicals, equipment, and scientific and technical information). The result was, well into the third hour, that the facilitator concluded that positions were still too divergent to work toward a decision at next week,s CSP and that he would continue consultations after that time. Of course, this resulted in general calls for him to not give up hope. In the midst of this, Cuba revealed that they in fact had specific elements they were willing to put on the table, if it was generally felt that productive work based on these could go forward. They were

careful to say that other items could be added by other delegations. It was decided that this would serve as the basis for an additional consultation later in the week.

¶15. (U) Cuba's draft action plan was released late on October 31 but barely featured in discussions during the November 2 consultations. Instead, the main focus was a new, clean draft distributed by the facilitator. Aside from Iran, which continued to table a number of proposed textual changes, all dels present noted the text to be a step towards addressing the positions of all sides. However, Japan and most WEOG dels reiterated that inclusion of the term "Action Plan" was unacceptable. Cuba tabled a proposal to replace "Action Plan" with "programme of work". Again, aside from Iran, this was met positively by both the NAM and WEOG/Japan.

¶16. (U) The facilitator promised to formulate and circulate a new draft, and he plans to hold further consultations during the CSP.

DELFT CHALLENGE INSPECTION EXERCISE LESSONS LEARNED

¶17. (U) On October 31, Amb. Richard Ryan (Ireland) chaired a meeting of States Parties to hear and share feedback from the challenge inspection exercise hosted September 10-14 in Delft. The DG opened by noting that this is a useful step in &de-demonizing8 the concept of the challenge inspection, and that the CI is not only a tool for verification, but also a valuable deterrent. He caveated his remarks by stating that the expectation would, of course, be that States Parties exhaust all other avenues of consultation and clarification first.

¶18. (U) Delegations then viewed a short documentary on the exercise, which provided a day by day recap of the inspection activities and timeline. The documentary was followed by a

briefing from the Inspectorate point of view by Mr. David Mohn (hard copy will be forwarded separately). Mohn reviewed the inspectorate resources dedicated to this particular exercise, the exercise scenario, and the findings, noting that this particular site is actually a declared and previously inspected facility. Lessons learned included the fact that a challenge inspection requires a significantly different mindset from a routine inspection, the need for further refinement of perimeter monitoring procedures, the

communications challenges posed by increasing the inspection team size, and the fact that sampling and analysis on Schedule 2 inspections seems to be helping with overall inspection team sampling procedures.

¶19. (U) From an OPCW perspective, Head of the Policy Review Branch Per Runn stressed the importance of the exercise itself and the Technical Secretariat (TS),s internal evaluation in developing and maintaining the TS capability to conduct a challenge inspection, adding that the possibility to train at an industry versus a military facility was particularly useful. Runn also emphasized the importance of report writing, and the fact that at the conclusion of the inspection anything omitted from the report (intentionally or not) would not be part of the Executive Council,s consideration.

¶20. (U) Amb Maarten Lak (Netherlands) gave a brief overview of the Dutch perspective. He noted that the media were likely to play a significant role in a challenge inspection, and that this element was not developed enough in the exercise. Responding to an earlier comment, he also noted that the Dutch national approach was to be as accommodating as possible of inspection team requests, and that even in a real scenario, managed access may not have been necessary. Representatives from DSM Delft added their views, highlighting as a challenge the difficulty they had in remembering that all information had to flow through the national escorts, as opposed to directly to the inspection

team.

¶21. (U) The Chair then opened the meeting for questions and comments. Several WEOG States Parties expressed confidence that the TS was in fact prepared to conduct a real challenge inspection if the need arose, and indicated an interest in exercising the role of the EC. The UK also shared the Dutch view that careful consideration would need to be given to the role of the media, noting it had held a brainstorming session on the same. South Africa recommended a wider geographical distribution of observers (not only visitors), and expressed an interest in seeing a report from the observers themselves.

¶22. (U) India, Pakistan, China and Iran all fell back to traditional positions on the need to exhaust all other options before calling for a challenge inspection, the political cost of doing so, the need to address the issue of abuse of a challenge inspection, and an implication that resolution of the &unresolved issues8 (a list of issues from the Preparatory Commission days that would in no way prevent a real challenge inspection from moving forward), perhaps in consultations, would be required before launching a challenge inspection. India also expressed concern that in this particular scenario the rights of the State Party (e.g. managed access) did not seem to have been fully exercised. U.S. del rep expressed appreciation for the unique opportunity the Delft exercise offered to all regional groups, and noted that despite previous discussions of &unresolved issues,8 the CWC provides clear guidance that is more than adequate to conduct a challenge inspection.

INDUSTRY AND PROTECTION FORUM

¶23. (U) In general, the Industry and Protection Forum (November 1-2) was a success. In his opening statement, the DG spoke on a wide range of issues, including a few of interest: Tenth Anniversary events, important of national implementation and universality, the progress made in

destruction, the recent challenge inspection exercise, preparations to response to a use of CW, Article XI, ongoing changes in the global chemical industry, the importance of export controls, UNSC resolution 1540, and the modification to the site selection methodology and intensification of OCPF inspections. Rene van Sloten (CEFIC) spoke about industry,s role in the development of the CWC and how Responsible Care has become integral to how the vast majority of industry meets all of their supply-chain obligations. Ana Gomez (EU) spoke on EU support for the OPCW in general, but she also made very pointed comments about her home country (Portugal)) the &appalling situation8 that imports/exports are happening without proper supervision; that she &hopes al Qaeda has been too busy to go shopping in Portugal.8 K. Paturej (TS Director of Special Projects) also opened the Forum and announced that the various papers would be posted on the website very soon. (Note: The abstracts that are part of the agenda are already available on the website) www.opcwipf.org) and are generally quite detailed.)

¶24. (U) Workshop 1 focused on a number of practical aspects of implementing the CWC, including sampling and analysis (S&A). Pietro Fontana (Switzerland) gave an update on the CEFIC-OPCW project regarding CAS Registry numbers, which is focused on the six Schedule 2B families. Claudia Kurz (Federation of German Chemical Manufacturers) spoke of the generally smooth application of the CWC within their industry, while called into question their experiences with S&A and its value in the future given the burden on industry. Hannu Vornamo (Chemical Industry Federation of Finland) spoke about industry inspection experience within their country, while expressing concern about balanced inspection levels in the burgeoning industry in the East and taking verbal potshots at Russian CW destruction. Per Runn (TS Head of PRB) gave a general overview of the TS S&A preparations, practices, and experiences. Gary Mallard (Head, OPCW Lab)

gave a very good explanation of the methods and software tools (e.g., AMDIS) the TS implements to ensure protection of CBI. Andrew Othieno (Inspector, and member of the upcoming S&A inspection team in the U.S.) spoke generally about TS logistical practices surrounding S&A. There were four different presentations by NAs that had hosted Schedule 2 inspections that included S&A) Switzerland, the UK, the Netherlands, and Japan. The first three presentations explained how they worked out the details in advance with the TS, including modification of their usual practices (e.g.,

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shipment and inspection of equipment at a location other than the POE, doing on-site analysis at an off-site location), to ensure a smooth inspection. Japan, however, was honest about difficulties they experienced with import of equipment and chemicals, difficulties locating and supporting the TS lab, etc. Bill Kane (TS Head of IVB) spoke about the TS S&A experience to date, including lessons learned, and future plans (e.g., budget for S&A in 2008, technological and timeline constraints to expanding S&A to Schedule 3 and OCPF).

¶25. (U) Workshop 2 focused on assistance and protection under Article X of the Convention. The morning session was comprised of presentations from members of the OPCW, International Cooperation and Assistance division. Afternoon discussions centered on State Party experiences in the field of assistance. Renato Carvalho (TS Head, IMB) shared TS lessons learned from Joint Assistance 2005, the exercise held in the Ukraine to evaluate TS readiness to conduct an investigation of an alleged use of chemical weapons and to respond to the subsequent request for assistance. In response, Iran raised a series of questions focused on how the OPCW would decide when its role had ended and whether there was a specific checklist of activities to be completed before this could occur. Carvalho noted that decisions such as these (as well as overall responsibility) actually lie with the National Authority.

¶26. (U) A representative from NATO, Euro-Atlantic Disaster Response Coordination Center (EADRCC) gave a more general overview of NATO, disaster response capability to natural and other emergencies, which had been tested many times by both real life and exercise scenarios. This presentation raised several interesting questions from the audience about

the possibility of coordination between the OPCW and other emergency response organizations. Gennadi Lutay (Head, APB) presented the TS perspective on the future of Assistance and Protection, noting that Article X is a core objective of the CWC and that assistance and protection will remain a fundamental benefit as long as we lack universal adherence to the Convention and the threat of chemical weapons use by non-state actors still exists.

¶27. (U) A representative of the National Authority of Croatia gave a surprisingly gloomy view of the utility of assistance and protection under Article X, focusing on a scenario in which a conventional munition attack targets a declared industrial facility, releasing toxic chemicals. The convener, Hassan Masshadi, later summarized a rather heated discussion on the topic by noting that it seemed some States Parties believed that declarations under Article VI made them more vulnerable to terrorist attack and would therefore desire a widening of the scope of Article X. TS representative Patrice Palanque also noted that perhaps national legislation could be used to address such concerns.

¶28. (U) A representative from the Swiss MOD gave an overview of training courses Switzerland has offered in chemical protection and emergency field laboratory procedures, noting that Switzerland has used a regional approach in Central Asia that could perhaps be effective in future efforts in Africa. An audience member from Malaysia asked whether the OPCW had considered regional training centers; the TS responded that while it welcomed regional initiatives it needed to stay within its limited financial and human resources. South Africa also presented its assistance efforts in the form of

training courses designed to provide an overview of the assistance available under Article X, an introduction to protective equipment, methodologies for assembling an emergency response team, and establishment of basic protective capabilities for the civilian population. Iran, picking up on earlier remarks, recommended that the OPCW focus on a framework of regional capacity building, to include assessing specific regional shortfalls and encouraging assistance from donors to target these shortfalls. In an informal conversation with Del rep later, the Iranian representative continued to express a strong interest in this type of regionally focused capacity building.

¶29. (U) District Commander of the Fire Service, Piet Aantjes, gave a presentation that described the integrated approach to emergency situations in the Rotterdam Rijnmond area, which involves the police, fire, ambulance and port and civil authorities as well as a partnership with private industry, including the Rotterdam harbor and petrochemical industry. Professor Jiri Matousek, a toxicology chemist from the Czech Republic gave a presentation which outlined the equipment provided to the OPCW (much of which was developed in the Czech Republic) as well as the many training courses which have been provided.

¶30. (U) Workshop 3 focused on the roles of chemical safety and security in the age of terrorism and how each one is (or can be) supportive of the other. Presentations from industry representatives (Dow, Chemtura, and Merck) focused on Responsible Care as a mechanism to incorporate chemical security into the corporate business model in the chemical industry. Europol provided a look at the expanding terrorist threat in Europe but conceded that the threat of terrorist actually using chemicals in their attacks remains unlikely. The Ukraine provided an interesting case study of a rail accident (July 16, 2007) involving 750 MT of yellow phosphorous, 300 MT of which burned. Croatia shared experiences of the Balkans War which showed that warring factions often targeted chemical facilities, yielding results one might expect from a terrorist attack. The session ended with a presentation by K. Paturej (Head, Special Projects), who stressed that, while the OPCW did not have an anti-terrorism mandate, it should cooperate with international bodies to develop contacts and provide training when needed. The U.S. made a brief presentation on the Chemical Security Engagement Program and the recent meeting

in Kuala Lumpur on chemical security.

¶31. (U) In the closing plenary session, which was a joint session with the opening of the annual meeting of National Authorities, the DG hit many of the topics he addressed the previous day, with a stronger Article VII (particularly legislation) message. Jack Gerard (President and CEO of ACC, Secretary of ICCA) made an excellent presentation on a number

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of issues: that the OPCW needs to cast a wider inspection net, the importance of universality and full national implementation, the implications of a rapidly changing industry (globalization, growth in countries without the type of support infrastructure the OPCW would expect), the importance of outreach to the product quality chain, capacity building to allow all to comply.

¶32. (U) Each Workshop convener made a brief summary of their Workshop outcomes. The conveners for Workshops 1 (Ralf Trapp) and 2 (Hassan Mashadi) were well-done and received. The reaction to the report from the convener for Workshop 3 (Sergey Batsanov) met with apparent displeasure from some industry representatives who attended, although they said privately that the content of the Workshop was fine. In the Q&A session that followed, a representative of the Indian chemical association expressed concern over the burden of the CWC on industry (particularly new start-up and young scientists), claiming that this was stifling growth in a similar way to what large industrialized countries do to

stifle development. The Iranian delegation also took the opportunity to play to the industry in their calls for a CW victims network, pointing to the value to industry in the event of a terrorist attack on a chemical plant site.

¶33. JAVITS SENDS.
Gallagher